

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ELSONTE D. JACOBS,

Petitioner,

v.

JOE ALLBAUGH, Director,

Respondent.

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Case No. CIV-17-1327-D

ORDER

The Court is in receipt of the Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 (Doc. No. 1) that Petitioner Elsonte D. Jacobs has tendered through counsel for filing in this matter.


The Court notes that the Petition is not properly signed and verified. A petition under 28 U.S.C. § 2254 for a writ of habeas corpus must “be signed and verified by the person for whose relief it is intended or by someone acting in his behalf.” 28 U.S.C. § 2242; *see* R. 2(c)(5), R. Governing § 2254 Cases in U.S. Dist. Cts. (requiring that petition “be signed under penalty of perjury by the petitioner or by a person authorized to sign it for the petitioner under 28 U.S.C. § 2242”). A § 2254 petition may be signed and verified by another person only in limited and appropriate circumstances. *See* R. 2(c), R. Governing § 2254 Cases in U.S. Dist. Cts. advisory committee’s note to 2004 amendment; *Whitmore v. Arkansas*, 495 U.S. 149, 162-66 (1990).

Petitioner’s Petition is signed by his attorney, but not verified under penalty of perjury by Petitioner, the attorney, or any other person acting on Petitioner’s behalf. Accordingly, Petitioner is ordered to submit a verification to his Petition, bearing a

signature “signed under penalty of perjury” and complying with all statutory and procedural requirements, within ten (10) days of the date of this Order.

Failure to comply with this Order may result in the dismissal of this action. *See* LCvR 9.2(a), (c); 28 U.S.C. § 2242; R. 1(a)(1), 2(c)(5), (d), R. Governing § 2254 Cases in U.S. Dist. Cts.

IT IS SO ORDERED this 14th day of December, 2017.



CHARLES B. GOODWIN
UNITED STATES MAGISTRATE JUDGE